

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2148.04
COMPLAINT INVESTIGATOR: Jennifer Campbell
DATE OF COMPLAINT: June 14, 2004
DATE OF REPORT: July 8, 2004
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: August 5, 2004

COMPLAINT ISSUES:

Whether the MSD of Lawrence Township violated:

511 IAC 7-27-4(c)(1) by failing to consider the concerns of the parent for enhancing the education of the student when determining the services to be made available to the student during the summer.

FINDINGS OF FACT:

1. The Student is five years old and is eligible for special education and related services as a student with autism spectrum disorder. The Student will be in kindergarten during the 2004-2005 school year.
2. On May 7, 2004, the case conference committee (CCC) convened to discuss extended school year (ESY) services. The CCC recommended ESY services because of "concern for regression." The CCC recommended the Student attend the District's six week, preschool summer program twice a week for two hours each session, and the services would include integrated speech and occupational therapy. Initiation of ESY services was to begin on June 15, and to end on July 27, 2004. The "Notes of Discussion" recorded that the "parent does not feel that twelve days, two hour sessions" is enough in order maintain Student's current skills. And, "[Student's] parents feel [Student] needs a daily, longer program to adequately meet [Student's] needs. Parents feel a longer day would help [Student] with [Student's] social skills." The Complainant wanted the ESY program to be Camp Crossroads, a three, two-week sessions summer program that meets six hours a day, Monday through Thursday, for six weeks. The CCC also recommended, as part of the ESY services, an independent evaluation of the Student by Children's Resource Group in order to address whether the CCC has a "clear and accurate picture of [Student's] diagnosis and needs." The IEP Parent Signature Page documents that the Complainant signed in agreement to the independent evaluation, and signed in disagreement to the ESY preschool summer program. The CCC chairperson shared with the Complainant the Notice of Procedural Safeguards regarding parents' rights and procedures to follow when parents do not agree with the CCC recommendation.

CONCLUSIONS:

Finding of Fact #2 indicates the CCC did consider the concerns of the Complainant as recorded in the May 7th IEP, "Notes of Discussion." Therefore, no violation of 511 IAC 7-27-4(c)(1) is found. As indicated in the Notice of Procedural Safeguards, parents may utilize due process procedures to resolve a disagreement over a number of issues, including services to be provided to a student.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.